

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BLACH ET AL.
Serial No.: 10/820,084
Filed: APRIL 6, 2004
Confirmation No.: UNKNOWN

Examiner: UNKNOWN
Group Art Unit: 3761
Docket: 12460.1USC7
Due Date: JULY 6, 2004

Title: NASAL SUPPORT DEVICE AND METHOD

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 6, 2004.

By: 

Name: Carla J. Mauch

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: 

Name: Karen A. Fitzsimmons

Reg. No.: 50,470

KFitzsimmons/cjm



SN 10/820,084

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	BLACH ET AL.	Examiner:	UNKNOWN
Serial No.:	10/820,084	Group Art Unit:	3761
Filed:	APRIL 6, 2004	Docket No.:	12460.1USC7
Title:	NASAL SUPPORT DEVICE AND METHOD		

CERTIFICATE UNDER 37 CFR 1.8:

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By:

Name: Carla J. Mauch

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 09/264,464 filed on March 8, 1999.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.



Date: July 6, 2004

Respectfully submitted,

MERCHANT & GOULD P.C.
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Karen A. Fitzsimmons
Karen A. Fitzsimmons
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FORM 1449*

INFORMATION DISCLOSURE STATEMENT

IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:
12460.1USC7Application Number:
10/820,084

Applicant: Blach et al.

Filing Date:
April 6, 2004

Group Art Unit:

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1,232,956	07/10/17	Mooney			
	1,292,083	01/21/19	W. F. Sawyer			
	1,950,839	03/13/34	D. D. Chirila			
	4,995,383	02/91	Anderson			
	5,476,091	12/19/95	Johnson			
	5,533,499	07/09/99	Johnson			
	5,533,503	07/09/96	Doubek et al.			
	5,546,929	08/20/96	Muchin			
	5,549,103	08/27/96	Johnson			
	5,553,605	09/10/96	Muchin			
	5,611,333	03/18/97	Johnson			
	5,653,224	08/05/97	Johnson			
	5,669,377	09/23/97	Fenn			
	5,706,800	01/13/98	Cronk et al.			
	5,718,224	02/17/98	Muchin			
	5,755,232	05/26/98	Kalt			
	5,817,039	10/06/98	Raunig			
	5,890,486	04/06/99	Mitra et al.			
	5,913,873	06/22/99	Blach et al.			
	5,947,119	09/07/99	Reznick			
	5,961,537	10/99	Gould			
	5,976,173	11/08/99	Berke			
	6,033,422	03/07/00	Blach et al.			
	6,029,658	02/00	De Voss			
	6,098,616	08/00	Lundy, et al.			
	6,375,667	04/02	Ruch			
	RE 35,408	12/24/96	Petruson			

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 12460.1USC7	Application Number: 10/820,084
	Applicant: Blach et al.	
	Filing Date: April 6, 2004	Group Art Unit:

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	768,488	02/20/57	London				
	WO 92/22340	12/23/92	PCT				
	WOV94/23675	10/27/94	PCT				
	WO 97/02793	01/30/97	PCT				
	WO 98/25541	06/18/98	PCT				
	WO 98/47451	10/29/98	PCT				
	WO 99/37258	07/29/99	PCT				
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	289561	10/11/85	Spain				
	289661	10/1981	Spain				
	AU-A-65890/96	04/02/98	Australia				
	WO 98/12998	04/02/98	PCT				
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	KEV's WORLD Cartoon (EXHIBIT 1)						
	Declaration of James R. Chiapetta re: KEV's WORLD Cartoon						
	Art et al., "Effect of exercise on the partitioning of equine respiratory resistance," <u>Equine Vet J</u> 20(4):268-273 (July 1988)						
	Art et al., "Mechanics of breathing during strenuous exercise in thoroughbred horses," <u>Respir Physiol</u> 82:279-294 (1990)						
	Di Somma et al., "Nasal dilator strips increase maximum inspiratory flow via nasal wall stabilization," <u>The Laryngoscope</u> 109:780-784 (May 1999)						
	Erickson, "Exercise induced pulmonary haemorrhage," <u>Proceedings of the Fourth International Conference on Equine Exercise Physiology</u> , (July 11-16, 1994) in <u>Equine Vet J Suppl</u> 18:476-478 (1995)						
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	Erickson et al., "What Causes Racehorse Lungs to Bleed?," <u>The Quarter Racing J.</u> , 52-57 (May 1995)						
	Fedde et al., "Increase in blood viscosity in the sprinting horse: can it account for the high pulmonary arterial pressure?," <u>Equine Vet J.</u> 30(4):329-334 (1998)						
	Foerner, "The Diagnosis and Correction of False Nostril Noises," <u>AAEP Proceedings</u> , pp. 315-327 (1967)						
	Funkquist et al., "Studies on the intratracheal pressure in the exercising horse," <u>J. Vet. Med A</u> , 35:424-441 (1988)						
	Gillespie, "The role of respiratory system during exertion," <u>J S Afr Vet Assoc</u> 45(4):305-309 (1974)						
	Goetz et al., "Pressures in the right side of the heart and esophagus (pleura) in ponies during exercise before and after furosemide administration," <u>Am J Vet Res</u> 47(2):270-277 (February 1986)						

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FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 12460.1USC7	Application Number: 10/820,084
	Applicant: Blach et al.	
	Filing Date: April 6, 2004	Group Art Unit:

	Guillette, "Use of Nasal Valve Stent with Anterior Rhynomanometry to Quantitate Nasal Valve Obstruction," <u>Ann. Otol. Rhinol. Laryngol.</u> 99:175-178 (1990)
	Haight et al., "The Site and Function of the Nasal Valve," <u>Laryngoscope</u> 93:49-55 (January 1983)
	Hinchcliff, "Effects of furosemide on athletic performance and exercise-induced pulmonary hemorrhage in horses," <u>J Am. Vet Med. Assoc.</u> , 215(5):630-635 (September 1999)
	Jackson et al., "Effects of airway obstruction on transmural pulmonary artery pressure in exercise horses," <u>Am J Vet Res</u> 58(8):897-903 (August 1997)
	Johnson et al., "Modelling exercise-induced pulmonary hemorrhage in racing thoroughbreds," <u>Frontiers Med Biol Eng</u> 4(4):271-289 (1992)
	Jones et al., "The nasal valve: a physiological and clinical study," <u>J. of Laryngol. and Oto.</u> , 102:1089-1094 (December 1988)
	Lekeux et al. "The respiratory system: anatomy, physiology, and adaptations to exercise and training," <u>The Athletic Horse</u> , DR Hodgson and RJ Rose (eds), WB Saunders (1994)
	Manohar, "Furosemide attenuates the exercise-induced increase in pulmonary artery wedge pressure in horses," <u>Am. J. Vet. Res.</u> , 54(6):952-958 (June 1993)
	Manohar, "Furosemide attenuates the exercise-induced rise in pulmonary capillary blood pressure in horses," <u>Equine Vet. J.</u> , 26(1):51-54 (1994)
	McKane et al., "Equine bronchoalveolar lavage cytology: survey of Thoroughbred racehorses in training," <u>Aust. Vet. J.</u> , 70(11):401-404 (November 1993)
	Meyer et al., "Quantification of exercise-induced pulmonary haemorrhage with bronchoalveolar lavage," <u>Equine Vet. J.</u> , 30(4):284-288 (1998)
	Olsen et al., "Influence of furosemide on hemodynamic responses during exercise in horses," <u>Am. J. Vet. Res.</u> , 53(5):742-747 (May 1992)
	Robinson et al., "Pathophysiology of airway obstruction in horses: A Review," <u>J Am Vet Med Assoc</u> 172(3):299-303 (February 1978)
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	Sinha et al., "Pleural pressure changes during exercise do not affect measurement of mean vascular pressures," <u>Equine Vet. J. Suppl.</u> , 18:95-98 (1995)
	Whitwell et al., "Collection and evaluation of tracheobronchial washes in the horse," <u>Equine Vet. J.</u> , 16(6):499-508 (1984)
	Kelley, B., "EIPH: What we know about bleeding," <u>Equine Athlete</u> , pp. 21-24, 26-27 (March/April 1997)

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